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10/757,911

01/14/2004

Seok-Hun Lim

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12/27/2007

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SUITE 701

UNIONDALE, NY 11553

EXAMINER

MUHEBBULLAH, SAJEDA

ART UNIT

PAPER NUMBER

2174

MAIL DATE

DELIVERY MODE

12/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/757,911

Applicant(s)

LIM, SEOK-HUN

Examiner

SAJEDA MUHEBBULLAH

Art Unit

2174

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to Amendment filed 09/24/2007.
2. Claims 1-6 are pending in this application. This action is made Final.

Response to Amendment

3. The declaration filed on 09/24/2007 under 37 CFR 1.131 has been considered but is ineffective to overcome the Andrew (US 6,990,333) reference.
4. The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Andrew (US 6,990,333) reference. Applicant appears to establish conception prior to reference coupled with diligence to constructive RTP (filing) rather than actual RTP. In an actual reduction to practice the following must occur - the claimed invention actually made (e.g., an apparatus) or performed (e.g., a method) and seen to be suitable for its intended purpose, commercial perfection not required, requires recognition that a reduction to practice has occurred -- Nunc pro tunc doctrine, testing is required unless operativeness of invention is readily apparent, testing must be under actual working conditions or realistic simulation of working conditions, and test results must be repeatable. Therefore Applicant fails to show an actual RTP.
5. The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Andrew (US 6,990,333) reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See

Mergenthaler v. Scudder, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). There is no evidence to establish conception.

6. The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Andrew (US 6,990,333) reference to either a constructive reduction to practice or an actual reduction to practice. There is no evidence to establish diligence.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Andrew et al. (“Andrew”, US 6,990,333).

As per claim 1, Andrew teaches a method of changing the setting of user setting menu options in a mobile terminal, the user setting menu options being menu options which a user can set, comprising the steps of:

registering the user setting menu options selected by the user from among menu options available in the mobile terminal as setting categories in connection with set values selected by the user in a scheduling setting group (col.4, lines 24-48);

setting a scheduling timer to a timing value for changing the settings of selected user setting menu options (col.5, lines 1-32);

activating the scheduling timer when a scheduling setting mode is set (col.5, lines 33-44);
and

changing the user setting menu options to the set values of the setting categories upon expiration of the timing value of the scheduling timer (col.7, lines 55-67).

As per claim 2, Andrew teaches the method wherein the scheduling timer is selected from the group of an appointment timer set at a first predetermined time, a length timer for timing when a second predetermined time elapses, a period timer for timing a predetermined period having start and end times, and a repetition timer for timing a predetermined time interval (col.5, lines 45-67; col.6, lines 1-30).

As per claim 3, Andrew teaches the method wherein the changing step further comprises the steps of:

storing the set values of the user setting menu options corresponding to the setting categories of the scheduling setting group at the start time of the predetermined period of the period timer (col.6, lines 52-67);

changing the set values of the user setting menu options to the set values of the scheduling setting group (col.6, lines 52-67); and

returning the user setting menu options to the stored set values when the end time of the predetermined period of the period timer is reached (col.7, lines 55-67).

As per claim 4, Andrew teaches a method of changing the setting of user setting menu options in a mobile terminal, the user setting menu options being menu options which a user can set, comprising the steps of:

registering the user setting menu options selected by the user from among menu options available in the mobile terminal as setting categories in connection with set values selected by the user in a scheduling setting group having a unique identifier (ID) (col.4, lines 24-48);

setting a scheduling timer to a timing value for changing the settings of selected user setting menu options registered as setting categories in a scheduling setting group selected from at least one scheduling setting group (col.5, lines 1-32);

activating the scheduling timer when a scheduling setting mode is set (col.5, lines 33-44);
and

changing the user setting menu options in the selected scheduling setting group to the set values of the setting categories upon expiration of the timing value of the scheduling timer (col.7, lines 55-67).

Claims 5-6 are similar in scope to claims 2-3 respectively, and are therefore rejected under similar rationale.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Communications

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is **(571) 272-4065**. The examiner can normally be reached on Tuesday/Thursday and alt. Mondays from 8:30 am to 5:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923.

The central fax number for the organization where correspondence for this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sajeda Muhebbullah

Patent Examiner

Art Unit 2174

/S. M./

/David A Wiley/

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Supervisory Patent Examiner, Art Unit 2174